



General Assembly

February Session, 2000

***Raised Bill No. 451***

LCO No. 1858

Referred to Committee on Select Committee on Aging

Introduced by:  
(AGE)

***An Act Concerning Discontinued Nursing Home Beds And  
Certificates Of Need.***

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Section 17b-352 of the general statutes is amended by  
2 adding subsection (g) as follows:

3 (NEW) (g) In the event that any facility ceases to operate, title to that  
4 facility's certificates of need shall revert to the Department of Social  
5 Services.

6 Sec. 2. Subsection (a) of section 19a-545 of the general statutes is  
7 repealed and the following is substituted in lieu thereof:

8 (a) A receiver appointed pursuant to the provisions of sections 19a-  
9 541 to 19a-549, inclusive, in operating such facility, shall have the same  
10 powers as a receiver of a corporation under section 52-507, except as  
11 provided in subsection (b) of this section and shall exercise such  
12 powers to remedy the conditions which constituted grounds for the  
13 imposition of receivership, assure adequate health care for the patients  
14 and preserve the assets and property of the owner. If a facility is

15 placed in receivership it shall be the duty of the receiver to notify  
16 patients and family, except where medically contraindicated. Such  
17 receiver may correct or eliminate any deficiency in the structure or  
18 furnishings of the facility which endangers the safety or health of the  
19 residents while they remain in the facility, provided the total cost of  
20 correction does not exceed three thousand dollars. The court may  
21 order expenditures for this purpose in excess of three thousand dollars  
22 on application from such receiver. If any resident is transferred or  
23 discharged such receiver shall provide for: (1) Transportation of the  
24 resident and such resident's belongings and medical records to the  
25 place where such resident is being transferred or discharged; (2) aid in  
26 locating an alternative placement and discharge planning in  
27 accordance with section 19a-535, as amended; (3) preparation for  
28 transfer to mitigate transfer trauma, including but not limited to,  
29 participation by the resident or the resident's guardian in the selection  
30 of the resident's alternative placement, explanation of alternative  
31 placements and orientation concerning the placement chosen by the  
32 resident or the resident's guardian; and (4) custodial care of all  
33 property or assets of residents which are in the possession of an owner  
34 of the facility. The receiver shall preserve all property, assets and  
35 records of residents which the receiver has custody of and shall  
36 provide for the prompt transfer of the property, assets and records to  
37 the alternative placement of any transferred resident. In no event may  
38 the receiver transfer all residents and close a facility without a court  
39 order and without preparing and receiving court approval for a  
40 relocation plan for all residents and a discharge plan for each resident  
41 in accordance with section 19a-535, as amended. The relocation plan  
42 shall conform to the guidelines established by the State Ombudsman  
43 established under section 17b-400 of the general statutes, as amended.

44 Sec. 3. Section 17b-403, of the general statutes, as amended by  
45 section 4 of public act 99-176, is repealed and the following is  
46 substituted in lieu thereof:

47 (a) The State Ombudsman shall establish and operate ombudsman

48 programs in this state pursuant to Sections 711 to 713, inclusive, of the  
49 federal Older Americans Act of 1965, as amended from time to time.

50 (b) The State Ombudsman shall serve on a full-time basis, and shall  
51 personally or through representatives of the office:

52 (1) Identify, investigate and resolve complaints that:

53 (A) Are made by, or on behalf of, residents or, as to complaints  
54 involving the application for admission to a long-term care facility, by  
55 or on behalf of applicants; and

56 (B) Relate to action, inaction or decisions that may adversely affect  
57 the health, safety, welfare or rights of the residents, including the  
58 welfare and rights of the residents with respect to the appointment and  
59 activities of guardians and representative payees, of (i) providers or  
60 representatives of providers of long-term care services, (ii) public  
61 agencies, or (iii) health and social service agencies;

62 (2) Provide services to protect the health, safety, welfare and rights  
63 of the residents;

64 (3) Inform the residents about means of obtaining services provided  
65 by providers or agencies described in subparagraph (B) of subdivision  
66 (1) of this subsection or services described in subdivision (2) of this  
67 subsection;

68 (4) Ensure that the residents and, as to issues involving applications  
69 for admission to long-term care facilities, applicants have regular and  
70 timely access to the services provided through the office and that the  
71 residents and complainants receive timely responses from  
72 representatives of the office to complaints;

73 (5) Represent the interests of the residents, and of applicants in  
74 relation to issues concerning applications to long-term care facilities,  
75 before governmental agencies and seek administrative, legal and other  
76 remedies to protect the health, safety, welfare and rights of the

77 residents;

78 (6) Provide administrative and technical assistance to  
79 representatives to assist the representatives in participating in the  
80 program;

81 (7) (A) Analyze, comment on and monitor the development and  
82 implementation of federal, state and local laws, regulations, and other  
83 governmental policies and actions that pertain to the health, safety,  
84 welfare and rights of the residents with respect to the adequacy of  
85 long-term care facilities and services in this state and to the rights of  
86 applicants in relation to applications to long-term care facilities;

87 (B) Recommend any changes in such laws, regulations, policies and  
88 actions as the office determines to be appropriate; and

89 (C) Facilitate public comment on the laws, regulations, policies and  
90 actions;

91 (8) Advocate for:

92 (A) Any changes in federal, state and local laws, regulations and  
93 other governmental policies and actions that pertain to the health,  
94 safety, welfare and rights of residents with respect to the adequacy of  
95 long-term care facilities and services in this state and to the health,  
96 safety, welfare and rights of applicants which the State Ombudsman  
97 determines to be appropriate;

98 (B) Appropriate action by groups or agencies with jurisdictional  
99 authority to deal with problems affecting individual residents and the  
100 general resident population and applicants in relation to issues  
101 concerning applications to long-term care facilities; and

102 (C) The enactment of legislative recommendations by the General  
103 Assembly and of regulatory recommendations by commissioners of  
104 Connecticut state agencies;

- 105       (9) (A) Provide for training representatives of the office;
- 106       (B) Promote the development of citizen organizations to participate  
107       in the program; and
- 108       (C) Provide technical support for the development of resident and  
109       family councils to protect the well-being and rights of residents;
- 110       (10) Coordinate ombudsman services with the protection and  
111       advocacy systems for individuals with developmental disabilities and  
112       mental illnesses established under (A) Part A of the Development  
113       Disabilities Assistance and Bill of Rights Act (42 USC 6001, et seq.), and  
114       (B) The Protection and Advocacy for Mentally Ill Individuals Act of  
115       1986 (42 USC 10801 et seq.);
- 116       (11) Coordinate, to the greatest extent possible, ombudsman services  
117       with legal assistance provided under Section 306(a)(2)(C) of the federal  
118       Older Americans Act of 1965, (42 USC 3026(a)(2)(C)) as amended from  
119       time to time, through the adoption of memoranda of understanding  
120       and other means;
- 121       (12) Provide services described in subdivisions (1) to (11), inclusive,  
122       of this subsection, to residents under age sixty living in a long-term  
123       care facility, if (A) a majority of the residents of the facility where the  
124       younger person resides are over age sixty and (B) such services do not  
125       weaken or decrease service to older individuals covered under this  
126       chapter; [and]
- 127       (13) Act as the lead agency in developing, convening and  
128       coordinating a relocation plan due to long-term care facility closure;  
129       and
- 130       [(13)] (14) Carry out such other activities and duties as may be  
131       required under federal law.
- 132       Sec. 4. This act shall take effect from its passage.

***Statement of Purpose:***

To protect long-term care facility residents against the hardships of being relocated and to clarify what happens to a certificate of need when a facility closes.

*[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]*